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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

18 BEVERLY NUNES, individually and on behalf) CASE NO.: 14-cv-02843-VC
19 of a class of similarly situated individuals,)
20 Plaintiff,) **AMENDMENT TO AND**
21 v.) **[PROPOSED] ORDER REGARDING**
22 TWITTER, INC.,) **STIPULATION AND ORDER**
23 Defendant.) **CONTINUING STAY OF**
24) **PROCEEDINGS AND MODIFYING**
25) **CASE SCHEDULE ENTERED ON**
26) **JUNE 1, 2015**

AMENDMENT TO AND [PROPOSED] ORDER REGARDING STIPULATION AND ORDER CONTINUING STAY
CASE NO.: 14-CV-02843-VC

1 Plaintiff Beverly Nunes (“Plaintiff”) and Defendant Twitter, Inc. (“Twitter”) (collective-
2 ly, “the Parties”) hereby request an amendment to the Stipulation and Order Continuing Stay of
3 Proceedings and Modifying Case Schedule entered by the Court on June 1, 2015 (Dkt. 56) (the
4 “June 1 Stipulation and Order”), to extend by two weeks all dates set forth therein.

5 In support of their stipulated request, the Parties state as follows:

6 1. The June 1 Stipulation and Order was based in part on the pendency of multiple
7 petitions before the FCC seeking rulings on issues pertaining to the Telephone Consumer Protec-
8 tion Act – the statute at issue in this action. FCC Chairman Tom Wheeler had announced on
9 May 27, 2015 that he had circulated a proposal to address those petitions, and that a vote on the
10 proposal would take place on June 18, 2015.

11 2. The June 1 Stipulation and Order contemplates that Twitter may file a motion to
12 continue the stay in light of several pending proceedings including the FCC’s, and sets a briefing
13 schedule for that motion. At the time the June 1 Stipulation and Order was filed, the Parties an-
14 ticipated that the FCC’s TCPA ruling would be made public on or shortly after the June 18, 2015
15 vote. To date, however, although the FCC did vote on June 18, 2015, the text of the new TCPA
16 ruling has not yet been made public.

17 3. Twitter would like the opportunity to review and consider the full content of the
18 FCC’s new TCPA ruling before deciding whether to file a motion to continue the stay. However,
19 under the current schedule set forth in the June 1 Stipulation and Order, any motion by Twitter to
20 further extend the stay past September 3, 2015 must be filed by July 8, 2015, with any opposition
21 due by July 29, 2015, and Twitter’s reply due by August 5, 2015.

22 THE PARTIES THEREFORE STIPULATE to amend the June 1 Stipulation and Order
23 through their undersigned counsel, subject to the Court’s approval, as follows:

24 1. The stay of all proceedings in the matter should be continued through September
25 17, 2015.

26 2. The existing case schedule should be modified as follows: Phase I Discovery
27 shall be completed by January 13, 2015; Initial Expert Witness statements shall be submitted by
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1 January 29, 2015; Rebuttal Expert Witness statements shall be submitted by February 12, 2015;
2 Motions for Summary Judgment on Phase 1 to be heard on June 2, 2016 at 10:00 a.m.

3 3. If Twitter wishes to seek further extension of the current stay past September 17,
4 2015, it may file a motion seeking such relief during the pendency of the stay. Any motion by
5 Twitter to further continue the stay shall be due by July 22, 2015; any opposition by Plaintiff
6 shall be due by August 12, 2015; Twitter's reply shall be due by August 19, 2015; and the matter
7 will be set for hearing on a date on or after September 4, 2015, to be determined by the Court.

8 4. This stipulation is without prejudice to Plaintiff's ability to request discovery re-
9 garding whether Twitter served as an intermediary with respect to the messages at issue in this
10 case.

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1 DATE: July 7, 2015

/s/ David H. Kramer

2 David H. Kramer
3 WILSON SONSINI GOODRICH & ROSATI

4 *Attorney for Defendant Twitter, Inc.*

5 DATE: July 7, 2015

/s/ John G. Jacobs

6 John G. Jacobs (*PRO HAC VICE*)
7 JACOBS KOLTON, CHTD
8 Jeffrey F. Keller
KELLER GROVER, LLP

9 *Attorneys for Plaintiff Beverly Nunes*

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AMENDMENT TO AND [PROPOSED] ORDER
REGARDING STIPULATION AND
ORDER CONTINUING STAY
CASE NO.: 14-CV-02843-VC

1 PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING, IT IS HEREBY
2 ORDERED THAT:

3 1. The stay of all proceedings in the matter is continued through September 17,
4 2015.

5 2. The existing case schedule is modified as follows: Phase I Discovery shall be
6 completed by January 13, 2015; Initial Expert Witness statements shall be submitted by January
7 29, 2015; Rebuttal Expert Witness statements shall be submitted by February 12, 2015; Motions
8 for Summary Judgment on Phase 1 to be heard on June 2, 2016 at 10:00 a.m.

9 3. If Twitter wishes to seek further extension of the stay past September 17, 2015, it
10 may file a motion seeking such relief during the pendency of the stay. Any motion by Twitter to
11 further continue the stay shall be due by July 22, 2015; any opposition by Plaintiff shall be due
12 by August 12, 2015; Twitter's reply shall be due by August 19, 2015; and the matter will be set
13 for hearing on a date on or after September 4, 2015, to be determined by the Court.

14 4. This Order is without prejudice to Plaintiff's ability to request discovery regard-
15 ing whether Twitter served as an intermediary with respect to the messages at issue in this case.

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18 SIGNED this 10 day of July, 2015.

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22 VINCE CHHABRIA
23 UNITED STATES DISTRICT JUDGE
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